



May 16, 2007

**Ex Parte Presentation**

Via Electronic Submission

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Re: *Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands, WT Docket No. 06-49*

Dear Ms. Dortch:

Progeny LMS, LLC ("Progeny") respectfully asks the Commission to disregard a May 7, 2007 *ex parte* notice filed by Havens' affiliates ("Havens").<sup>1</sup>

The contentions raised in this filing are unsubstantiated in fact and unsupported by the FCC's own rules and regulations, simply marking another in a long series of attempts by Havens to divert this proceeding with issues that are nongermane to the above-mentioned Notice of Proposed Rulemaking ("NPRM") regarding Multilateration Location and Monitoring Service.<sup>2</sup>

Specifically, these issues were addressed and closed by the Commission in 1999 and the FCC has been fully aware of the relevant facts surrounding the licenses at every necessary juncture.<sup>3</sup>

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1 The filing was authored by Warren Havens, who assigned all his LMS licenses to Telesaurus Holdings GB, in which he has a controlling interest, on or about February 13, 2006 and filed on behalf of entities in which he has a controlling interest. *See* Telesaurus Holdings GB, Ex Parte Presentation, *Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands*, (LMS NPRM), WT Docket No. 06-49, May 7, 2007.

2 The continued use of such stalling tactics by Havens is coming very close to abuse of process as Progeny has pointed out previously. *See* Progeny LMS, LLC, Ex Parte Presentation, *Amendment of the Commission's Part 90 Rules in the 904-909.75 and 919.75-928 MHz Bands*, (LMS NPRM), WT Docket No. 06-49, April 27, 2007.

3 *See* FCC Public Notice, Location and Monitoring Service, Application Accepted for Filing Auction Event No. 21, DA 99-2712, rel. December 6, 1999, which references Progeny's amended long-form application. In May 2000, the Commission indicated it was prepared to grant Progeny's



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While groundless, Havens' persistent personal attacks are also out of bounds with reference to the instant proceeding: They are not material to the pending NPRM and should be disregarded by the FCC in the context of the present proceeding. This is evidently another attempt to cloud the record and impede the FCC's ongoing rulemaking. Progeny urges the Commission not to be distracted by such last-minute activities not related to the substance of this proceeding.

We respectfully ask the Commission to quickly make a decision on the basis of the full record that has already been compiled in this docket.

In accordance with Section 1.1206(b) of the Commission's Rules, this letter is being filed with your office. Should you have any questions or concerns in connection with this submission, please contact me at (202) 371-2800.

Respectfully submitted,

Janice Obuchowski

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licenses upon full and timely payment. *See* FCC Public Notice, Wireless Telecommunications Bureau Announces It Is Prepared to Grant Location and Monitoring Service Licenses After Final Payment is Made, DA 00-989, May 4, 2000.